

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

ESMELING L. BAHENA,

Plaintiff,

v.

D. ROHRDANZ, et al.,

Defendants.

Case No. 1:20-cv-00618-SKO (PC)

**FINDINGS AND RECOMMENDATIONS
TO DISMISS DEFENDANTS**

14-DAY DEADLINE

Clerk of the Court to assign a District Judge

On September 23, 2020, the Court screened Plaintiff's complaint and found that it states cognizable claims of deliberate indifference to serious medical needs against Defendants Manhas and Rohrdanz but not against the remaining defendants. (Doc. 11.) The Court, therefore, directed Plaintiff to file a first amended complaint curing the deficiencies in his pleading, or to notify the Court that he wishes to proceed only on the claims found cognizable and to dismiss the remaining claims and defendants. (*Id.* at 1, 8.)

On October 29, 2020, Plaintiff filed a notice that he wishes to proceed only on the claims the "court finds cognizable." (Doc. 14.) Accordingly, and for the reasons set forth in the Court's screening order (Doc. 11), the Court RECOMMENDS that Defendants Palma and Teresiah, and the claims against them, be DISMISSED. Plaintiff's claims of deliberate indifference against Defendants Manhas and Rohrdanz should be allowed to proceed. The Court DIRECTS the Clerk of the Court to assign a district judge to this action.

1 These Findings and Recommendations will be submitted to the United States District
2 Judge assigned to this case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within 14 days of
3 the date of service of these Findings and Recommendations, Plaintiff may file written objections
4 with the Court. The document should be captioned, “Objections to Magistrate Judge’s Findings
5 and Recommendations.” Failure to file objections within the specified time may result in waiver
6 of rights on appeal. *Wilkerson v. Wheeler*, 772 F.3d 834, 839 (9th Cir. 2014) (citing *Baxter v.*
7 *Sullivan*, 923 F.2d 1391, 1394 (9th Cir. 1991)).

8
9 IT IS SO ORDERED.

10 Dated: November 2, 2020

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE